

JUN 26 2025

ROY L. BERRY, CLERK  
U.S. District Court  
Southern District of West Virginia

6-23-25

OBJECTIONS TO PROPOSED FINDINGS AND RECOMMENDATIONS  
FOR FAILURE TO PROSECUTE.

To; Honorable Dwane L. Tinsley, US Magistrate Judge.

Your honor, My name is Noel Agoha case #2:25-cv-00309.

On Monday 6/23/25 i called the US Courthouse to inquire about the process of my habeas application, and i was told by the court officer on the phone that my filed application was dismissed due to failure to prosecute. And down the conversation i found out that it was due to the fact that the court never recieved the check that i had mailed via the jail i am currently held at. Attached to this letter are copies of the checks i have sent for this case. First, i paid \$5 to US District court of Baltimore MD. But due to lack of Jurisdiction the Honorable Judge Paula Xiris transfered this case to the Southern District of WV. Then i got a notice to pay again, and i obliged by mailing out a check from my inmate trust account. The check was issued on 6/3 and the Pod counsellor told me that on 6/4, she had mailed the check out in a return envelope from the court. i have also asked the Pod counsellor to email the court officer i spoke with, the copy of this lost check. For some unknown reason, the court never got my mail containing the filing fee payment. As of today, i have filed out another authorization slip for the fiscal

offices to debit another \$5 from my trust account to send again to the honorable court.

I have not really been able to know why this mail never made it to the court P.O. Box. I was transferred to the finance depart and spoke with an officer there, and she rechecked and told me that they did not receive my payment.

Please Your Honor, due to these strange circumstances give me a chance to resend another payment and let my application be processed. This is my 16th month in ICE custody and I have not seen my daughter in almost 5 years who is a US born citizen. I want my case to be seen and heard and given due consideration and relief.

I hope these evidence of me sending/showing proof of payment helps with your decision to re-consider.

Being held here in South Central Regional Jail is really not been anything good. Mails always missing or takes months to deliver. This is not my first experience.

The system here is broken and almost doesn't work. I have been working on this Writ for habeas corpus since March 2025 and up till now, nothing concrete, has happened, rather I am still in the payment stage.

Thank you, Your Honor, I will be sending <sup>out</sup> a new check tomorrow.

Yours Sincerely,

~~NOEL~~  
Noel Agona.